

REMARKS

Claims 1-11 remain in this application. Claims 1, 10 and 11 have been amended. Claims 2-10 remain unchanged. Claims 12-33 were previously withdrawn as the result of an election responding to a restriction requirement. No new subject matter is believed to have been added by this Amendment.

On page 2 of the Office Action, the Examiner rejects claim 1 as being indefinite indicating that the relationship of the connector segment relative to the first and second sides of the rib is unclear. Claim 1 has been amended to specify that the connector segment converges. The Examiner furthermore rejects claim 11 indicating that the limitation “at the place of maximum divergence” has insufficient antecedent basis. Claim 11 has been amended to clarify this feature.

The Examiner rejects claims 1 and 11 under 35 USC §102(b) as being anticipated by the teaching of United States Patent No. 1,309,241 to Clark (hereinafter referred to as the “Clark patent”).

The subject application is directed to a lath having among other features, ribs 20 protruding from the back face 19 of the lath 10. In one embodiment, as found in amended claim 1, the first side and the second side of a rib diverge from one another as they extend away from the back side to define a hollow interior and then the connector segment therebetween converges. Furthermore, the first side and the second side are closest to one another at a location adjacent to the back side. This combination of features permits the lath to not only snap into and be positively retained within an opening of a frame member, as illustrated in Figs. 3 and 4 of the application, but furthermore, permits the lath 20 to be retained at a position close to the frame.

The Clark patent, on the other hand, is directed to a metal fabric which, as illustrated in Fig. 1, includes beam members 1, 2, 3 which provide the necessary rigidity to enable the fabric to be self-supporting. Beam 3 is shaped so that it can be snapped over beam 1 of the adjoining sheet, as

illustrated in Fig. 5. On the other hand, for additional reinforcement, a rod 13, as illustrated with beams 1 and 2, may be inserted within the apex of the beam to make the fabric particularly rigid against bending. Therefore, while beam 3 may have a hollow interior along its entire length, beams 1 and 2 include rods 13 therein, such that their interior is not hollow but is occupied with the rod 13. Furthermore, the beams 1, 2, 3, disclosed in the Clark patent, do not diverge as they extend away from the back side of the lath, but to the contrary, converge. As a result, the location closest to the back side of the lath is the widest for each of the beams 1, 2, 3. This is significantly different from the subject invention where the narrowest portion of a rib is found at a location adjacent to the back side. Utilizing this feature, the lath according to the subject invention may be snapped into a receiving frame and rest at a location whereby the lath is directly adjacent to the receiving frame. On the other hand, if the beams 1, 2, 3, in accordance with the Clark patent, were to be snapped into a metal member having a receiving pocket, the lath would rest at a location away from the frame member thereby providing an undesirable gap. For these reasons, claim 1 is believed to be patentable over the teaching of the Clark patent and the prior art of record.

With the exception of specifying that the connector segment converges, claim 11 has been amended in a similar fashion and, for these reasons, the Applicant believes that claims 1 and 11, as amended, are patently distinct over the prior art of record.

The Examiner rejects claim 10 under 35 U.S.C. §102(b) as being anticipated by the teaching of the Clark patent. Claim 10 has been amended in a fashion similar to specify that the ribs protrude from the back side of the sheet to define a hollow interior and, wherein the width of each rib is smallest at the intersection of the rib with the backside. These features are neither taught nor suggested by the Clark patent. The Applicant would also like to highlight that each of the independent claims 1, 10 and 11 describe a lath with a plurality of ribs, wherein each rib protrudes from the back side of the sheet to define a hollow interior. While the Clark patent may present beam 3 as having a hollow interior, the remaining beams 1 and 2 have a rod 13 therein, such that the

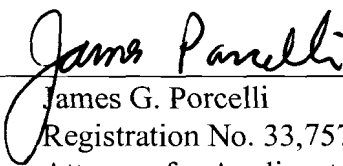
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interior is not hollow. The Applicant is aware that during the fabrication process the beams 1, 2, 3 may have hollow interiors, however the final product design clearly includes rods 13 within the hollow interiors of beams 1 and 2, such that the interior is no longer hollow.

By way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 2-9 are themselves believed to be patentably distinct over the prior art of record.

Reconsideration and allowance of pending claims 1-11 are hereby respectfully requested.

Respectfully submitted,
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